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January 9, 1957

Honorable Percival F. Brundage
Director, Bureau of the Budget
Washington, D. C

Dear Mr. Brundage:

This is in response to your request for the views of the Department of Justice concerning the draft bill "To amend Section 305 of the Federal Communications Act of 1934, as amended, and for other purposes," submitted by the Department of State.

The measure would amend Section 305 of the Federal Communications Act of 1934, as amended, (5 U.S.C. 305), so as to authorize the President in his discretion to permit selected foreign governments to construct and operate, on a reciprocal basis, radio transmitters in their missions in the United States for diplomatic communications. The effect of the proposed amendment would be to remove a limitation in existing law on foreign radio transmission from the United States. The removal of this limitation would complement the President's independent constitutional authority and enable him to make arrangements on a reciprocal basis for the direct transmission of diplomatic communications by our missions abroad.

Although the advantages to this country to be gained by arrangements for the direct transmission of communications by our diplomatic missions abroad may not be denied, there are certain countervailing factors which must receive the most careful consideration before legislation of this nature is approved. The potential of radio in intelligence and counterintelligence, as well as its use as a homing device, is so well known as to need no further amplification. These factors are of even more immediate concern to investigative and intelligence agencies of the Government.

The question of reciprocal agreements with foreign governments to permit the establishment of radio stations for the use of diplomatic missions has received the most careful consideration of our investigative and intelligence agencies. The interdepartmental Intelligence Conference, the Central Intelligence Agency

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and the Federal Bureau of Investigation of this Department appear united in the view that reciprocal agreements, such as would be authorized by this measure, would work to the great disadvantage of the United States and would add considerably to the internal security problems already facing our domestic intelligence agencies. Permitting foreign radio operations in this country would certainly expedite foreign intelligence communications to and from this country and make more effective foreign intelligence operations within the United States, thus resulting in substantial impairment to our internal security.

Although it is recognized that the question of the advisability of legislation of this character is one of high policy, in the absence of overriding national considerations of which we are unaware we do not concur in recommendations for its enactment.

Sincerely,

William P. Rogers
Deputy Attorney General

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